

TENTATIVE RULINGS

FOR: October 28, 2016

The Court may exercise its discretion to **disregard** a late filed paper in law and motion matters. (Cal. Rules of Court, rule 3.1300(d).)

Unlawful Detainer Cases – No tentative ruling will be posted because access to records is not permitted until 60 days after the complaint is filed. Parties **must appear** for all unlawful detainer demurrers, motions to quash, and other matters. After 60 days, tentative rulings will be posted in accordance with the local rules.

Court Reporting Services – The Court does not provide official court reporters in proceedings for which such services are not legally mandated. These proceedings include civil law and motion hearings. If counsel want their civil law and motion hearing reported, they must arrange for a private court reporter to be present. Go to <http://napacountybar.org/court-reporting-services/> for information about local private court reporters. Attorneys or parties must confer with each other to avoid having more than one court reporter present for the same hearing.

PROBATE CALENDAR – Hon. Diane Price, Dept. C (Historic Courthouse)

Conservatorship of Isaiah Aranas

26-61642

REVIEW HEARING

TENTATIVE RULING:

In its October 30, 2014 Minute Order, the Court excused the accounting requirement based on a declaration from the co-conservators. The accounting requirement will continue to be excused as long as the requirements of Probate Code section 2628, subdivision (a), are met.

Based on the report of the court investigator, the Court determines by clear and convincing evidence that conservatee cannot communicate, with or without reasonable accommodation, a desire to participate in the voting process, and therefore orders conservatee disqualified from voting pursuant to Elections Code section 2208. The clerk is directed to notify the Napa County Elections Division and the California Secretary of State.

After a review of the matter, the Court finds the co-conservators are acting in the best interest of the conservatee. Thus, the case is set for a biennial review hearing in two years, on October 26, 2018, at 8:30 a.m. in Dept. F. Before the next hearing date, the co-conservators shall file Notice of Conservatee's Rights (Judicial Council form GC-341) and Determination of Conservatee's Appropriate Level of Care (Judicial Council form GC-355). The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. C (Historic Courthouse)

Jim Todd, et al. v. Monticello Property Investment Group, LLC

26-67046

MOTION TO ENFORCE THE SETTLEMENT AGREEMENT

TENTATIVE RULING:

As with the previous discovery motion, the current notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 2.9. Counsel is directed to contact the opposing party forthwith and advise the opposing party of Local Rule 2.9 and the Court's tentative ruling procedure. If counsel is unable to contact the opposing party prior to the hearing, counsel shall be available at the hearing, in person or by telephone, in the event opposing party appears without following the procedures set forth in Local Rule 2.9.

Plaintiffs' request for judicial notice of the entire file and the verified complaint is GRANTED.

Plaintiffs Jim Todd and Carol Hallmark's unopposed motion to enforce the July 14, 2016 settlement agreement is GRANTED. Defendant Monticello Property Investment Group, LLC, shall sign the easement agreement and the lot line adjustment application within 10 calendar days of service of notice of entry of order. Defendant shall execute all documents necessary to perform the settlement agreement's terms. If defendant fails to sign the easement agreement and lot line adjustment application, the Court will appoint an elisor to sign these documents.

Plaintiffs' request for attorney's fees pursuant to the settlement agreement's terms is GRANTED IN PART against defendant in the amount of \$2,940, payable to plaintiffs' counsel within 10 calendar days of service of notice of entry of order. (Homewood Decl., Ex. A, ¶ 17.) The Court does not award for anticipated time.

PROBATE CALENDAR – Hon. Rodney Stone, Dept. F (Criminal Courts Bldg.- 1111 Third St.)

In the Matter of Chanel Liu Ng

16CV000745

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: The petition is GRANTED without need for appearance. Petitioner shall file a certified copy of the Court's decree within 30 calendar days with the California Secretary of State. (Health & Safety Code, § 103435.)

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Conservatorship of Miguelangel Gutierrez

26-57059

REVIEW HEARING

TENTATIVE RULING: The co-conservators shall file a Determination of Conservatee's Appropriate Level of Care (Judicial Council form GC-355). The matter is continued to November 15, 2016, at 8:30 a.m. in Dept. F to allow for the filing of the document. The clerk is directed to provide notice to Laura Brooks.

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Conservatorship of Kathryn McCampbell

26-67555

FIRST ACCOUNT AND REPORT OF CONSERVATOR; PETITION FOR ALLOWANCE OF FEES TO CONSERVATOR OF ESTATE, FOR ATTORNEY'S FEES AND FOR WAIVER OF COURT INVESTIGATOR FEES

TENTATIVE RULING: The matter is continued to November 22, 2016, at 8:30 a.m. in Dept. F.